



DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land Helping build great communities

Grading and Stormwater Management



Planning Commission Hearing
October 22, 2009



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Outline

- I. Final Environmental Impact Report
- II. Review of Proposed Ordinance Changes
- III. Correspondence Received
- IV. Public Comment
- V. Topic-by-Topic Review



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I. Final Environmental Impact Report



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Final EIR

- Released on Friday, October 16
- 2 comments received:
 - Agricultural Commissioner
 - Paso Robles Wine Country Alliance
- Changes highlighted in Chapter 8 and incorporated into text
- CEQA Findings distributed with November 12, 2009 staff report



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Class I Impacts

- **Agriculture.** 30% slope limitation could lead to development on farmland
- **Water.** Removing restrictions on intensification of agricultural use could result in additional water use in areas with limited availability
- **Biological Resources.** Cumulative impact on biological resources



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Class II Impacts

- **Agriculture.**
 - Physical impact to agricultural resources
 - Additional process could discourage expansion
 - Location of non-agricultural development close to agricultural uses
- **Air Quality.**
 - Construction-related emissions



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Class II Impacts

- **Air Quality (cont'd).**
 - Naturally-occurring asbestos
 - Hydrocarbon-contaminated soils
 - Greenhouse gas emissions
- **Biological Resources.**
 - Sensitive habitats
 - Special-status species
 - Wildlife corridors



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Class II Impacts

- **Cultural Resources.**
 - Impacts to historic resources
 - Impacts to prehistoric resources
 - Impacts to paleontological resources
- **Geologic Hazards.**
 - Active/potentially active faults



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Class II Impacts

- **Transportation/Circulation.**
 - Short-term construction traffic
 - Importation/exportation
- **Visual Resources.**
 - Physical impact to scenic resources
 - Glare / night lighting



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Class III Impacts

- Project results in several Class III impacts for the following areas:
 - Agricultural Resources
 - Air Quality
 - Hydrology/Water Quality
 - Geologic Hazards
 - Noise
 - Public Services
 - Transportation/Circulation
 - Visual Resources
 - Water Resources



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Class IV Impacts

- **Agricultural Resources.**
 - Expansion of exemptions in Coastal Zone
 - Reduce erosion impacts on ag land
- **Hydrology/Water Quality.**
 - Reducing discharges (construction phase and post-construction)



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Class IV Impacts

- **Visual Resources.**
 - Reduction in visible cut/fill due to restriction of grading on steep slopes



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Mitigation Measures

- Incorporation into ordinance. Example:
 - Fugitive dust measures
 - Topsoil preservation
- Project-specific review. Example:
 - Archaeological report.
 - Biological report.



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II. Review of Proposed Ordinance Changes



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1) Post-Construction


- Applicable to discretionary development
- Most language comes from "Attachment 4" to the General MS4 Permit
 - 25% Hillside Residence → 10% -- consistency with "major grading" process



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2) Construction Phase

- Most language comes from current General Construction Permit
- Already required by the state – adds County oversight
-  Impaired waterbodies – (pg. 3-2)
 - Discharges directly or indirectly by means of a tributary or stormwater conveyance system



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3) Enforcement

- Required as part of SWMP
- ⌘ Change 1.12 at the request of County Counsel (pg. 3-22)
- ☀ Civil Fine –
 - Requires court action
 - Used as a basis in settlement of criminal cases



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3) Enforcement

- ☀ Post-Construction Enforcement –
 - Violation of conditions = violation of county code
 - CC&Rs can also be used for private enforcement
 - Education material to accompany deed transfer



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4) Thresholds

- County-initiated change
- ⌚ Change 1.2 (pg. 3-16) – PH Draft inadvertently reduced threshold in CZ
- ☀ Other jurisdictions' thresholds –
 - See Pg 3-4 through 3-6
- ☀ Compacted vs. uncompacted fill
 - Threshold does not distinguish between compacted/uncompacted fill



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5) Ag Grading

- Modify agricultural grading and alternative review processes
- Clarification: If thresholds are not triggered, grading is exempt
- ⌚ Change 1.3 (pg. 3-17) – allow alternative review in GS/FH
- ⌚ Change 1.6 (pg. 3-19) and Change 1.8 (pg. 3-20) – Ag Commissioner recommended changes
- ⌚ Change 1.9 (pg. 3-21) – Ag Commissioner's role in alternative review



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5) Ag Grading



Term “exemption” –

- Reworded as “agricultural grading” between the Public Review Draft and the Public Hearing Draft



How do we publicize that ag grading is not exempt?

- Agricultural organizations
- Public outreach component of SWMP



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5) Ag Grading

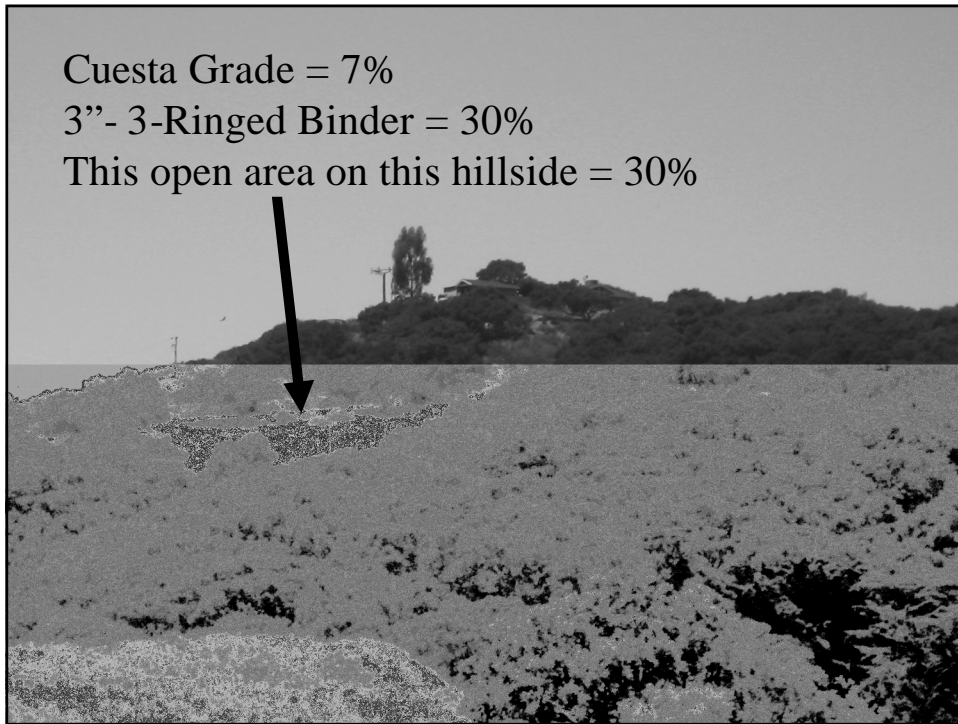


Alternative Review Program –

- In place for the past 10 years
- Environmental program uses similar mitigation measures to those outlined in the EIR



30% and 50 cubic yards – what do they look like?





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6) Slope Limitation

- Exists in Coastal Zone, proposed for inland
- Class I environmental impact



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7) Hydromodification

- Post-development conditions to mimic pre-development conditions
 - Infiltration
 - Volume, frequency, velocity, direction, and peak discharge for drainage



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7) Hydromodification



What is the LID Handbook?

- Guidance document for project design
- Think about the site before dropping a building on it:
 - Determine site constraints
 - Identify suitable BMPs based on site conditions
 - Design the project



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7) Hydromodification



What will be required?

- To be determined based on the collaborative effort
- Applicability criteria also to be developed through the collaborative effort
- Collaborative effort is a 2-year process involving local jurisdictions, RWQCB, and LID Center
- 10/20/09 letter: RWQCB will require enforceable local ordinances before criteria are established



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7) Hydromodification

- Adoption of the LID Handbook:
 - Similar to Public Facility fees – adopted by resolution of the Board
 - Allows for public input, public hearing before adoption
 - Need to revise language in ordinance to allow requirement of LID Handbook measures



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8) Alignment

- Alignment of the Inland and Coastal Ordinance
 - ❏ Change 1.2 (pg. 3-16) – PH Draft inadvertently reduced threshold in CZ



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9) Ag Grading in CZ

- Bring Alternative Review Program to the Coastal Zone
 - Consistent with Coastal Commission recommendation during Periodic Review
- ❏ Change 1.10 (pg. 3-22) – Clarify that Director's approval of Alternative Review form = Plot Plan = Coastal Development Permit



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9) Ag Grading in CZ

- Coastal Development Permit – required for all “development” in the Coastal Zone
 - Discretionary Land Use Permit
 - Plot Plan / Zoning Clearance (over the counter)
- Proposal: Director's authorization of alternative review is the same as a plot plan



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10) Lodge Hill

- Development in Lodge Hill will be required to comply with the post-construction measures for hillside development
- Serves as an interim requirement until the comprehensive erosion control plan is developed



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11) Refining/Reformatting

- ⌚ Change 1.1 (pg. 3-16) – clarifies that County Code overrides UBC
- ⌚ Change 1.4 (pg. 3-17) – modification to improvement plan exemption as requested by Public Works
- ⌚ Change 1.5 (pg. 3-18) – strengthen exemption criteria for exploratory excavations in the Coastal Zone
- ⌚ Change 1.7 (pg. 3-20) – fix a reference
- ⌚ Change 1.11 (pg. 3-22) – reference Title 19 for permit extension procedure



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12) Section References

- Update section references as needed in all applicable documents



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13) Definitions

- Modify/update definitions
- ⌚ Change 1.13 (pg. 3-24) – correct grammar



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III. Correspondence Received



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Correspondence Received

- EIR Comments:
 - Ag Commissioner – M. Isensee
 - PR Wine Country Alliance – L. Bodrogi
 - Requested change to “excavation” definition
- Other Comments:
 - APCD – A. Mutziger
 - Requested addition to Enforcement section
 - Eric Michielssen



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Where to Go from Here



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Next Steps...

- Take Public Comment
- Consider each topic one-by-one
- Continue this hearing to November 12 to cover any remaining topics
- Any changes made will be compiled as Change Sheet #2



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Questions?